

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NICHOLAS KENNETH TRAMMELL,
Petitioner,

v.

CITY OF SAN FRANCISCO,
Respondent.

Case No. 21-00919-EJD (PR)

ORDER OF TRANSFER

Petitioner, a state prisoner proceeding pro se, has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254, challenging his state conviction out of Stanislaus County. Dkt. No. 1. Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d). Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction or sentencing. See Habeas L.R. 2254-3(b)(1); Dannenberg v. Ingle, 831 F. Supp. 767, 768 (N.D. Cal. 1993); Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968). Here, Petitioner is currently confined at the California Institution for Men in Chino, San Bernardino County, but his conviction was out of Stanislaus County. Dkt. 1 at 2. Stanislaus County lies within the venue of the Eastern District of California. See 28 U.S.C. § 84(b). Therefore, venue properly lies in that district and not in this one. See 28

1 U.S.C. § 1391(b). Accordingly, this case is TRANSFERRED to the United States District
2 Court for the Eastern District of California. See 28 U.S.C. § 1406(a).

3 The Clerk shall terminate all pending motions and transfer the entire file to the
4 Eastern District of California.

5 **IT IS SO ORDERED.**

6 **Dated:** 2/11/2021



EDWARD J. DAVILA
United States District Judge

United States District Court
Northern District of California